

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed February 20, 2008, is respectfully requested. Claims 1-22 and 24-71 have been canceled without prejudice. Claims 23 and 72-78 remain pending in this case.

Drawings

The drawings were objected to for including reference numbers not mentioned in the description. Applicants file herewith replacement drawings and respectfully request withdrawal of the objection.

Art Rejections

Claims 23, and 72-76 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Fleicshhacker et al (U.S. Patent Publication No. 2001/0021831) in view of Hundertmark et al (U.S. Patent Publication No. 2002/0077595). Claims 77-78 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Fleicshhacker in view of Hundertmark et al in further view of Jorgensen (U.S. Patent Publication No. 2003/0105426). Applicants respectfully traverse this rejection.

Hundertmark does not teach or suggest “an outer jacket surrounding the monolayer helical coil to restrict expansion on rotation of the monolayer helical coil,” as required by claim 23. Rather, as shown in Fig. 4, Hundertmark describes an elongate member **48** which is “first coated with a coating **50**, preferably by extrusion, and wrapped around a D-shaped mandrel in a helical manner” to form a helical coil. (See Hundertmark, Paragraph [0030]). The soft polymer coating described in Hundertmark is applied to the wire ribbon before forming a helical coil from the wire ribbon. Therefore, the coating in Hundertmark surrounds the wire ribbon but does not

surround and extend along the helical coil. This difference is significant because rotation of the Hundertmark wire ribbon and surrounding polymer would cause expansion of the coil and polymer because the polymer edges surrounding each two adjacent coil wires are **not** bonded and can slide circumferentially relative to one another. Such circumferential sliding renders the construction incapable of efficient torque transmission. Therefore, the Hundertmark wire ribbon and surrounding polymer are not capable of restricting the expansion of the helical coil upon twisting and thus ineffective for torque transmission.

Moreover, Applicants respectfully assert that there would not be any motivation to modify the catheter described in Fleischhaker with the distal portion described in Hundertmark. As discussed above, Hundertmark teaches a soft outer coating to provide a more flexible distal end with atraumatic properties. (See Hundertmark, Abstract and Paragraphs [0030]-[0031]). One skilled in the art would not want a flexible distal end with inefficient torque transmission when trying to cross a chronic total occlusion.

For all the foregoing reasons, claims 23 is patentably distinct from the prior art. Claims 72-78 depend from claim 23, and are patentably distinct for the same reasons.

CONCLUSION

Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicant's undersigned representative at (949) 760-9600. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,
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